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Remarks/Arguments

1. Abstract

The abstract has now been amended so that it now contains 139 words.

2. The 35 USC §102 and §103 Rejections

The examiner rejects claim 1 – 7 under 35 USC §102(a) as being anticipated by Spears (US Publication #2002/0128879). The examiner rejects claim 8 under 35 USC §103(a) as being unpatentable over Spears in view of Official Notice.

Applicants submit herewith a declaration under 37 CFR 1.131, executed by Jim Negomir, the Business System Development Manager of Benesight, Inc. Benesight, Inc. is a party of interest in the present application as it was the employer of all 4 inventors at the time the invention was made and the four inventors had a duty to assign their patent rights to the employer. As the four inventors no longer work at Benesight, Inc., the company is in the process of seeking an executed assignment by them or otherwise will petition for the right to take action on behalf of the missing inventors.

As the Spears reference is properly antedated by the Negomir declaration, Spears cannot be used as a basis for §102 or §103 rejections. Therefore, Applicants request that the examiner withdraw the rejections to the claims.

3. Conclusion

Applicants submit that for at least the above-identified reasons, all pending claims are allowable over the art of record and respectfully request that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution

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of this application, the examiner may reach the undersigned at (612) 607-7508. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 20338-301).

Respectfully submitted,



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